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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,769	04/13/2004	Jeffrey Cheng	04131.0167	2818
22852	7590	10/07/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/822,769	Applicant(s) CHENG, JEFFREY	
	Examiner POPE C. DARYL	Art Unit 2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Birchfield.**

-- In considering **claims 1 and 10-11**, the claimed subject matter that is met by Birchfield includes:

1) the operating a remote controller to select one function signal is met by the remote programming unit(26) which generates function programming signals (see: column 10, lines 10-15);

2) the base module is met by the base controller(30)

3) enabling the controller to wirelessly transmit currently selected function signals is met by the radio transmitter(11) which allows remote programming by the unit(26);

4) the enabling the base module to change a previously selected function setting of a security function is met by the programming unit transmitting function instructions to

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the controller to dictate the behavior of the base controller functions(see: column 12, lines 21-44);

5) the memory unit is met by the instruction memory(2,3) of the base controller(see: column 12, lines 23-25);

6) the receiver is met by the base receiver(10);

7) the controller unit coupled to the receiver and memory unit is met by the microcontroller(1);

8) the function key, processor unit, and transmitter of the remote controller met by the microcontroller(401), switches(421,423), and transmitter(11) of remote programmer(26);

9) the display unit providing a plurality of display patterns corresponding to a respective one function signals is met by the display(407) which displays operational routing menu based on selection of desired functions(see: column 17, lines 20-42).

-- With regards to **claim 2**, the enabling operation of the controller in a function setting mode prior to operating the controller is met by programmer being scrolled to list programmable features and their settings(see: column 12, lines 63-66).

-- With regards to **claims 3 and 12**, the enabling the base module to wirelessly transmit a response signal to be received by the remote controller after step c is met by the base module transmitting a program read request signal to the programming unit(26) via transceiver(80, column 16, lines 7-9).

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birchfield(6,700,479).**

-- With regards to **claims 9 and 13-14**, the examiner takes Official notice that in the vehicle remote control art, use of remote controllers including indicators such as light emitting diodes and buzzers are well known and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a buzzer, light emitting diode, or any other indicator as desired into the remote programmer of Birchfield, since it is already desired to provide indication to the programmer(26) based on signals received from the base controller.

***Allowable Subject Matter***

5. **Claims 4-8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to POPE C. DARYL whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

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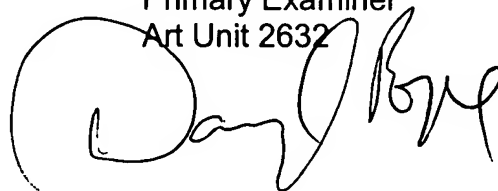
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU J. DANIEL can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Oct. 2, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read 'Daryl C. Pope', is written over the printed name and title of the examiner.